

Order dated 21.9.05

Shri Bibhisan Nayak now working as S.S. Gr.I Cook, CRRIC (Respondents organisation) has filed this O.A. seeking the following relief:

- 1) A direction may be issued to the Respondent No.2 to fix the scale of pay of the applicant pre-revised O.A.825-1200/- w.e.f.7.4.92 alongwith corresponding revised pay of Rs. 825-1200/- as per revision of pay w.e.f.1.1.96.
- 2) A direction may be issued to Res.No.2 to pay the arrear of pay after due calculation to the applicant after fixation of pay of the pre-revised pay of Rs.825-1200/- w.e.f.7.4.92 to till date, along with revision of pay w.e.f. 1.1.96.
- 3) To allow the applicant all other consequential benefit pursuant to such fixation of pay w.e.f.7.4.92 of Rs.825-1200/-
- 4) To pass any other relief to which the applicant is entitled under the law and equity.

The applicant's sole grievance is that the Respondents although had offered the scale of Rs.825-1200/- to sub-ordinate staff like, Sri Golak Chandra Rana who was earlier working under CRRIC Cooperative Canteen as Cook W.e.f.1.10.1991 the same benefit has not been extended to him. On the other hand he has been offered a lower pay-scale of Rs.750-940/-

The further grievance of the applicant is that whereas Sri Rana was regularised in the service under the Respondent Organisation from his employment in the co-operative canteen, the applicant was a direct recruit, his name being sponsored by the Secretary, Rajya Sainik Board, Orissa.

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He has, therefore, assailed his appointment in the scale of Rs.750-940/- as illegal and the action of the Respondents being discriminatory.

The Respondents have stoutly contested the application by filing a detailed counter.

They have submitted that the applicant was recruited strictly in terms of the recruitment rules framed in this regard for appointment/promotion in the grade of supporting staff from Gr.I to Gr.IV. Further that Sri G.C.Rana was regularised in the post of cook as a canteen staff w.e.f.1.3.81 and was inducted into supporting staff in the pay-scale of Rs.825-1200/- w.e.f. 29.6.96.

They further pointed out that Sri Rana by order dtd. 13.10.94 of the ICAR, was treated as regular employee of the canteen w.e.f.1.10.91. Further it is their submission that the scale of Rs.825-1200/- for the post of cook ^{at the initial stage} is not available at this institution under the category of supporting staff since 7.4.92 i.e., at the time of his initial recruitment. Thus there was no question of allowing the applicant the benefit of higher scale of pay of Rs.825-1200/-.

With regard to the prayer of the petitioner to give him the benefit of night duty allowance, they have submitted that by their Memorandum dtd. 9.8.04 the applicant was directed to submit his claim for night duty allowance but so far he has not submitted

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Copy of Order may be
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the claim. Instead he has approached the Tribunal in this O.A.

From the above facts of the case, it is clear that the appointment of Sri G.C.Rana as cook and his subsequent promotion to the scale of Rs.825-1200/- and the recruitment of the applicant as sub-ordinate staff cook Gd.I in the scale of Rs.750-940/- are two different recruitment actions. Therefore, under the rules the applicant could not have been given the parity in the matter of pay with that of Mr.Rana.

In the above facts of the case, no case of discrimination has been made out and the prayer for parity in the pay-scale also does not have merit for consideration.

Further, as the applicant has been directed by the Respondents to submit his claim for night duty allowance, the applicant may now do so, if he is so advised.

With this order this O.A. is disposed of.

No costs.

Member (J)

vice-chairman